

Remarks

The Applicant does not believe that examination of the amendment contained herein will indicate the addition of new matter to the present application for invention. Accordingly, the Applicant respectfully requests that the foregoing response be considered and the claims to the present invention be, kindly, reconsidered.

The May 2, 2005 Office Action has been received and considered by the Applicant. Claims 36-39, 46-48, 62, 66-78 and 82-89 stand rejected by the May 2, 2005 Office Action. Claims 31-35, 40-45, 49-61, 63-65, 79-81 and 90-95 are allowed by the May 2, 2005 Office Action.

The May 2, 2005 Office Action rejects Claims 36-39, 46-48, 62, 66-78 and 82-89 under the provisions of 35 USC 112, first paragraph for failing to comply with the written description requirement.

Regarding Claims 36, 46, 67 and 83, the Examiner's position is that the terminology "the master TOC are stored in respective consecutive predetermined portions of a track, each of the master TOC portions containing a predetermined number of consecutive sectors of the track" is not warranted by the specification as originally filed. The Applicant, respectfully, points out that page 7, beginning on line 6 describes item 134 as representing the Master-TOC that begins at a uniformly standardized offset position with respect to the start of the Lead-in are at byte number 510, copies at 520, 530. The Master-TOC is stated as measuring the one standard-size sector. The Applicant, respectfully, submits that a person skilled in the art would understand that the Master-TOC and copies thereof, are stored in consecutive areas within the area designated as item 134. Therefore, it appears that the subject matter that the Examiner refers to is disclosed by the specification as originally filed. However, in an effort to move this case towards allowance, the foregoing amendment to the claims has altered rejected Claims 36 and 46 to read multiple copies of the master TOC are stored in predetermined portions of a track, each of the master TOC portions each containing a predetermined number of sectors of the track. Claims 67 and 83 have been amended to recite the TOC access mechanism further comprises the master TOC portions each containing an equal predetermined number of sectors of a track. This subject matter is clearly disclosed on pages 6 and 7 of the specification as originally filed. The Applicant, respectfully, points out that these amendments are not narrowing amendments and in fact are broadening amendments. Therefore, these amendments should not limit the application

of the Doctrine of Equivalents for the elements altered by this foregoing amendment.

Regarding Claims 38, 48, 70 and 87, the Examiner's position is that the terminology "storing the sub-TOC portions such that each contains an integral number of consecutive sectors, a first of the predetermined consecutive portions of the sub-TOC starting at a predetermined track sector" is not warranted by the specification as originally filed. The foregoing amendment to the claims has altered Claims 38, 48, 70 and 87 to define subject matter for each of the copies of the master TOC containing pointers to each of the sub-TOC portions. This subject matter is clearly disclosed on page 7 of the specification as originally filed. The Applicant, respectfully, points out that these amendments are not narrowing amendments and in fact are broadening amendments. Therefore, these amendments should not limit the application of the Doctrine of Equivalents for the elements altered by this foregoing amendment.

Regarding Claim 62, the Examiner's position is that the terminology used in Claim 62 recites the combination of Claims 36, 38, 46 and 48. The foregoing amendment to the claims has modified Claim 62 in a manner consistent with the previously discussed modifications to Claims 36, 38, 46 and 48. The Applicant, respectfully, points out that these amendments are not narrowing amendments and in fact are broadening amendments. Therefore, these amendments should not limit the application of the Doctrine of Equivalents for the elements altered by this foregoing amendment.

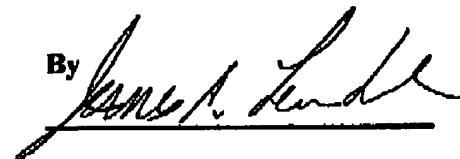
Regarding Claims 69 and 86, the Examiner's position is that the terminology used for each copy of the sub- TOC is stored in respective consecutive portions of the unitary storage medium, allowing audio players to play audio items without using a file system is not warranted by the specification as originally filed. The Applicant, respectfully, points out that the foregoing amendment to the claims has altered the subject matter defined by these claims so that each copy of the sub- TOC is stored in a respective portions of the unitary storage medium, allowing audio players to play audio items without using a file system. This subject matter is disclosed in FIG. 6 as originally filed and the description related thereto. The Applicant, respectfully, points out that these amendments are not narrowing amendments and in fact are broadening amendments. Therefore, these amendments should not limit the application of the Doctrine of Equivalents for the elements altered by this foregoing amendment.

Regarding Claims 71 and 88, the Examiner's position is that the terminology used for "the sub- TOC copies each having a first of the consecutive sectors of the sub-TOC starting at a predetermined portion of the track" is not warranted by the specification as originally filed. The Applicant, respectfully, points out that the foregoing amendment to the claims has altered the subject matter defined by these claims so that the sub-TOC copies each start at a predetermined portion of the track. This subject matter is shown in FIG. 6 as originally filed and the description related thereto. The Applicant, respectfully, points out that these amendments are not narrowing amendments and in fact are broadening amendments. Therefore, these amendments should not limit the application of the Doctrine of Equivalents for the elements altered by this foregoing amendment.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicants believe that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

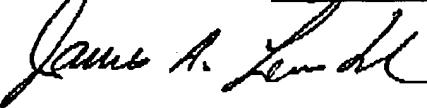
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